

Kurt D. Olender (KO 5818)
OlenderFeldman LLP
29 West 38th St., 17th Fl.
New York, New York 10018
kolender@olenderfeldman.com

Michael J. Feldman (MF 7889)
2840 Morris Avenue
Union, New Jersey 07041
(908) 964-2486
mfeldman@olenderfeldman.com
Admitted *pro hac vice*

Attorneys for Defendants, Martin Goor,
Contract Furniture Transport, Inc., and
Contract Furniture Transport Associates, Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JEAN T. DIMARIA, Individually, and as
Administratrix of the Estate of GARY DIMARIA, and
Derivatively on behalf of CONTRACT FURNITURE
TRANSPORT, INC., CONTRACT FURNITURE
TRANSPORT ASSOCIATES, INC., CONTRACT
FURNITURE WAREHOUSE CORP., CONTRACT
FURNITURE PAINTING, LLC, CONTRACT
FURNITURE INSTALLATIONS, LLC, DEPENDABLE
MOVING AND STORAGE, INC., DEPENDABLE
MOVING AND STORAGE CORP., SERVICE EAST,
INC., and CONTRACT FURNITURE
TRANSPORTATION, LLC,

Plaintiffs,

v.

MARTIN GOOR; CFT-IOS, INC., RYAN GOOR,
STEVEN MITNICK, ESQ., as Assignee for the Benefit
of Creditors for CONTRACT FURNITURE
TRANSPORT, INC. and CONTRACT FURNITURE
TRANSPORT ASSOCIATES, INC., CONTRACT
FURNITURE TRANSPORT, INC., CONTRACT
FURNITURE TRANSPORT ASSOCIATES, INC.,
CONTRACT FURNITURE WAREHOUSE CORP.,
CONTRACT FURNITURE PAINTING, LLC,
CONTRACT FURNITURE INSTALLATIONS, LLC,
DEPENDABLE MOVING AND STORAGE, INC.,
DEPENDABLE MOVING AND STORAGE CORP.,
SERVICE EAST, INC., and CONTRACT FURNITURE
TRANSPORTATION, LLC,

Defendants.

Case No. 1:09-cv-1011(JG)

**NOTICE OF MOTION TO
DISMISS CLAIMS AGAINST
MARTIN GOOR, CONTRACT
FURNITURE TRANSPORT,
INC., AND CONTRACT
FURNITURE TRANSPORT
ASSOCIATES, INC.**

TO: Mark A. Berman, Esq.
Allen L. Finkelstein, Esq.
Ganfer & Shore, LLP
360 Lexington Avenue
New York, New York 10017
Attorneys for Plaintiff

Stephen B. McNally, Esq.
McNally & Associates, L.L.C.
93 Main St., Suite 201
Newton, N.J. 07860
Attorneys for Defendants CFT-IOS, Inc. and Ryan Goor

Michael Shapanka, Esq.
150 West End Ave.
Somerville, N.J. 08876
Attorneys for Defendants CFT-IOS, Inc. and Ryan Goor

Melissa A. Pena, Esq.
Norris, McLaughlin & Marcus, PA
875 Third Avenue, 8th Floor
New York, New York 10022
Attorney for Defendant Steven Mitnick, Esq.

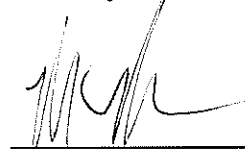
PLEASE TAKE NOTICE THAT, on February 19, 2010, at 10:00 a.m., before The Honorable John Gleeson, U.S.D.J., at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, or as soon thereafter as counsel may be heard, Defendants, Martin Goor and Contract Furniture Transport, Inc. and Contract Furniture Transport Associates, Inc. (together “Defendants”), by and through their attorneys, OlenderFeldman LLP, shall move pursuant to Fed. R. Civ. P. 12(b)(6) for an Order to Dismiss With Prejudice the Second through Seventh Counts of the First Amended Complaint filed by plaintiff for failure to state a claim upon which relief may be granted.

PLEASE TAKE FURTHER NOTICE THAT in support of their Motion, Defendants shall rely upon their Brief submitted herewith and the Certification of Michael J. Feldman, Esq. Defendants also submit a proposed form of Order.

PLEASE TAKE FURTHER NOTICE THAT oral argument is requested if
opposition is filed.

OLENDERFELDMAN LLP
Attorneys for Defendants

BY:

A handwritten signature in black ink, appearing to read 'MJF', is written over a horizontal line.

MICHAEL J. FELDMAN

DATED: January 15, 2010